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NOV 27 2001

Ref: 8EPR-F

Rocky Flats Citizens Advisory Board
9035 Wadsworth Parkway, Suite 2250
Westminster, Colorado 80021

Subject: Recommendation Regarding Radionuclide Soil Action Levels

Dear RFCAB:

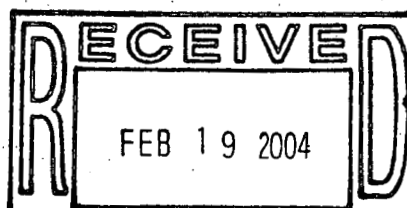
This is in response to your recommendation dated October 19, 2001, regarding the radionuclide soil action levels for Rocky Flats. EPA appreciates the time and effort that CAB members have put into learning the complex issues surrounding the RSAL debate. As EPA formulates its position on revised RSALs, it will give full consideration to your recommendations, but I'll take this opportunity to provide some preliminary feedback.

RFCAB Comment: The scientific knowledge used for the RSAL calculations presented in the draft Task 3 report is limited and should be used conservatively.

Response: EPA recognizes the limitations in the science, and for parameters where the data are limited the RSAL workgroup attempted to be conservative. EPA believes the calculations in the Task 3 report represent the proper degree of conservatism and are consistent with how the Agency conducts risk assessments nationally.

RFCAB Comment: The RSAL should be based on an excess cancer risk of 10^{-6} . This level should be used as a point of departure. RFCA agencies should challenge themselves to reach a cleanup goal equal to 10^{-6} .

Response: The National Oil and Hazardous Substances Pollution Contingency Plan, which is the implementing regulation for the CERCLA law, states that "the 10^{-6} risk level shall be used as a point of departure for determining remediation goals." However, at large, highly contaminated sites like Rocky Flats, the departure from the 10^{-6} level usually happens quickly due to resource constraints. I know of no large, complex site in the country that has been cleaned to 10^{-6} . It should also be noted that EPA generally



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does not take response actions at sites where the risk level does not exceed 10^{-4} .

RFCAB Comment: The resident scenario should be assumed for the period beyond the foreseeable future.

Response: EPA policy is clear that realistic land use assumptions should be used in setting cleanup objectives. We certainly believe that the wildlife refuge worker scenario is the proper land use assumption for the foreseeable future. However, we don't believe it is unrealistic to envision residential use sometime in the future. So EPA has not ruled out consideration of the residential scenario.

RFCAB Comment: The end-state goal for Rocky Flats should be cleanup to background.

Response: EPA does not believe the current legal and regulatory framework allows for serious consideration of this goal.

RFCAB Comment: To move towards the end-state goal, Rocky Flats should be regarded as a technology demonstration site.

Response: Again, EPA does not believe the current legal and regulatory framework allows for serious consideration of cleanup to background.

RFCAB Comment: The final Record of Decision for Rocky Flats should state that periodic reviews should be conducted to assess reliability of controls in place, availability of new technology that may achieve better cleanup, and whether specific measures should be implemented to achieve better cleanup.

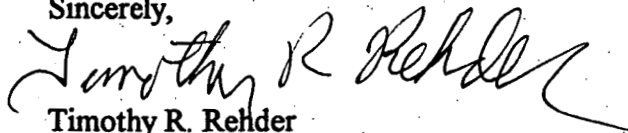
Response: EPA agrees that periodic reviews need to be conducted, and that assessments similar to what you suggest should be part of those reviews. The CERCLA law states that five-year reviews shall be conducted at sites where contamination is left on site to assure that the remedy remains protective. I've enclosed an example of a table of contents of a five-year review report to illustrate the types information EPA requires in such a review. Section VII of the example addresses most of the concerns you're listed. This example comes from EPA's Comprehensive Five-Year Review Guidance dated June 2001, OSWER No. 9355.7-03B-P.

As you know, EPA, CDPHE and DOE have completed the dose and risk calculations which will serve as the basis for revising the RSALs for plutonium and americium. This work is described in the draft RSAL Task 3 report. The agencies are currently awaiting comment from peer reviewers on this document. Once those comments have been received, EPA will work with

CDPHE and DOE to make any necessary revisions to the Task 3 report, and then select RSALs that will go out for formal public comment in early 2002.

Again, EPA appreciates the participation of the RFCAB in the RSAL review and looks forward to a continuing dialog with you on this subject. Please contact me at (303) 312-6293 if you have additional questions concerning EPA's position on the RSALs.

Sincerely,



Timothy R. Rehder
Rocky Flats Team Leader

cc: Jack McGraw, EPA Region 8
Steve Gunderson, CDPHE
Joe Legare, DOE
Dave Shelton, Kaiser-Hill

Five-Year Review Report

The following Table of Contents notes typical major divisions and subheadings for Five-Year Review reports. Subheadings can be included as appropriate for a given review report. This is only a general example.

Table of Contents

List of Acronyms	E-13
Executive Summary	E-15
Five-Year Review Summary Form	E-17
I. Introduction	E-19
II. Site Chronology	E-21
III. Background	E-22
Physical Characteristics	E-22
Land and Resource Use	E-22
History of Contamination	E-23
Initial Response	E-23
Basis for Taking Action	E-23
IV. Remedial Actions	E-23
Remedy Selection	E-23
Remedy Implementation	E-23
System Operations/Operation and Maintenance (O&M)	E-23
V. Progress Since the Last Five-Year Review	E-25
VI. Five-Year Review Process	E-25
Administrative Components	E-25
Community Notification and Involvement	E-26
Document Review	E-26
Data Review	E-26
Site Inspection	E-26
Interviews	E-26

VII. Technical Assessment	E-26
<i>Question A:</i> Is the remedy functioning as intended by the decision documents?	E-27
<i>Question B:</i> Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives (RAOs) used at the time of the remedy selection still valid?	E-28
<i>Question C:</i> Has any other information come to light that could call into question the protectiveness of the remedy?	E-29
Technical Assessment Summary	E-29
VIII. Issues	E-30
IX. Recommendations and Follow-up Actions	E-30
X. Protectiveness Statement(s)	E-30
XI. Next Review	E-32

Tables

Table 1 - Chronology of Site Events
Table 2 - Annual System Operations/O&M Costs
Table 3 - Actions Taken Since the Last Five-Year Review
Table 4 - Changes in Chemical-Specific Standards
Table 5 - Changes in Action-Specific Requirements
Table 6 - Changes in Location-Specific Requirements
Table 7 - Issues
Table 8 - Recommendations and Follow-up Actions

Attachments

Site Maps (if not included in the body of the report)
List of Documents Reviewed
Tables and Figures documenting Remedy Performance and Changes in Standards (if not included in the body of the report)
Interview Report (as appropriate)
Photos Documenting Site Conditions

Appendix

Comments received from Support Agencies and/or the Community
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5/5